

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN ERIN CRITCHELL,

Defendant.

NO. CR20-0086-RAJ

ORDER REGARDING  
EXCLUDABLE TIME

On October 8, 2020, this Court set a trial date of December 14, 2020, for the above-referenced action. Dkt. 45. Pursuant to General Order 15-20 and earlier General Orders of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, the Court hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of this disease, it is not possible at this time to proceed with a jury trial in the immediate future.
2. Further, as stated in General Order 15-20, limiting the size and frequency of gatherings remains critical to preventing serious illness and death from COVID-19. The continuing public health situation resulting from the pandemic also limits

1 the availability and ability of witnesses, counsel, and Court staff to be present in  
2 the courtroom, and the ability to obtain an adequate spectrum of jurors to proceed  
3 with in-person jury trials. For the foreseeable future, it will be possible to proceed  
4 with only one in-person criminal jury trial at a time at each of the district's two  
5 courthouses. A continuance of the trial date in this case until December 14, 2020,  
6 is therefore necessary to allow the appropriate spacing of trials.

- 7 3. As a result, the failure to grant a continuance of the trial date in this case would  
8 likely result in a miscarriage of justice. Pursuant to 18 U.S.C. § 3161(h)(7)(A),  
9 the ends of justice served by continuing the trial in this case outweigh the best  
10 interest of the public and the defendant to a speedy trial.

11 IT IS HEREBY ORDERED that the time between October 5, 2020 and the new trial  
12 date of December 14, 2020, is excluded in computing the time within which trial must  
13 commence because the ends of justice served by granting this continuance outweigh the best  
14 interest of the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A). Failure  
15 to grant this continuance would likely make trial impossible and result in a miscarriage of  
16 justice, and would deny counsel for the defendant and government counsel the reasonable  
17 time necessary for effective preparation, taking into account the exercise of due diligence. *Id.*  
18 § 3161(h)(7)(B)(i), (iv).

19 DATED this 8th day of October, 2020.

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22 The Honorable Richard A. Jones  
23 United States District Judge  
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